

# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

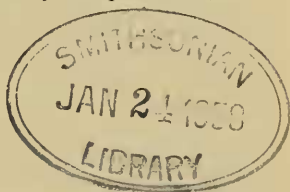
**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

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## DIRECTION 86

Validation under the Plenary Powers of the specific name  
*convexa* de Haan, [1833], as published in the combination  
*Ocypode (Chasmagnathus) convexa* (Class Crustacea,  
Order Decapoda) (*Direction* supplementary to *Opinion* 85)



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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN DIRECTION 86

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*Honorary Life President* : Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*)

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*Vice-President* : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

*Secretary* : Mr. Francis HEMMING (*London, England*) (27th July 1948)

### B. The Members of the Commission

*Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology*

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Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTENESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

## DIRECTION 86

VALIDATION UNDER THE PLENARY POWERS OF THE SPECIFIC NAME "CONVEXA" DE HAAN, [1833], AS PUBLISHED IN THE COMBINATION "OCYPODE (CHASMAGNATHUS) CONVEXA" (CLASS CRUSTACEA, ORDER DECAPODA) ("DIRECTION" SUPPLEMENTARY TO "OPINION" 85)

**RULING** :—(1) Under the Plenary Powers the specific name *convexus* Quoy & Gaimard, 1825, as published in the combination *Ocypode convexus*, is hereby suppressed for the purposes both of the Law of Priority and of the Law of Homonymy.

(2) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1465 :—

*convexa* de Haan, [1833], as published in the combination *Ocypode (Chasmagnathus) convexa*, and as validated under the Plenary Powers in (1) above (specific name of type species of *Chasmagnathus* de Haan, [1833]).

(3) The under-mentioned specific name is hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name Number 488 :—

*convexus* Quoy & Gaimard, 1825, as published in the combination *Ocypode convexus*, as suppressed under the Plenary Powers in (1) above.

I. THE SUBJECT MATTER OF THE PRESENT  
“ DIRECTION ”

In the course of the preparation of the *Official List of Generic Names in Zoology* for publication in book-form it was found that the specific name of the type species of the genus *Chasmagnathus* de Haan, [1833], a name which had been placed on that *List* by the Ruling given in *Opinion* 85, was invalid as a junior homonym of a name which was not in use, the name in question being regarded by specialists as a *nomen dubium*. On 7th January 1956 the Secretary submitted the following application to the International Commission asking that the *nomen dubium* referred to above should be suppressed under the Plenary Powers for the purpose of validating the specific name currently used for the type species of the genus *Chasmagnathus* de Haan :—

**Proposed use of the Plenary Powers to validate the specific name “convexa” de Haan, [1833], as published in the combination “Ocypode (Chasmagnathus) convexa”, the name of the type species of the genus “Chasmagnathus” de Haan, [1833] (Class Crustacea, Order Decapoda), placed on the “Official List of Generic Names in Zoology” by the Ruling given in “Opinion” 85**

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

The purpose of the present application is to ask the International Commission on Zoological Nomenclature to use its Plenary Powers to validate the specific name currently used for the type species of the genus *Chasmagnathus* de Haan, [1833] (Class Crustacea, Order Decapoda), which was placed on the *Official List of Generic Names in Zoology* by the Ruling given in *Opinion* 85 (1925, *Smithson. misc. Coll.* 74(No. 3) : 13—18).

2. The existence of the present problem came to light in the early part of 1955 when proposals were being formulated for submission to the International Commission for the addition to the *Official List of Specific Names in Zoology* of the specific names of the type species of the genera of Decapoda, the names of which had been placed on the *Official List of Generic Names in Zoology* in the pre-Lisbon (1935) period. The facts of this case are set out in the following paragraphs.

3. The name *Chasmagnathus* was introduced by de Haan in the Crustacea Section of von Siebold's *Fauna Japonica* for use as the name of a subgenus of *Ocypode* Fabricius, 1798. This name occurs twice in the Crustacea Section, first on page 5 and later on page 27. These pages were published in Parts 1 and 2 respectively, the first appearing in 1833, the second in 1835. On page 5 the name *Chasmagnathus* was given only in a key without any cited nominal species; on page 27 the subgenus was more fully diagnosed and one species, the new species *Ocypode (Chasmagnathus) convexa*, was cited as belonging to it. This species is therefore the type species of *Chasmagnathus* de Haan by monotypy.

4. Reference to Sherborn's *Index Animalium* (Pars secund. (7) : 1505) disclosed the existence of the name *Ocypode convexus* Quoy & Gaimard, 1825 (*Voy. "Uranie" (Zool.)* : 525). Since for the purpose of determining whether any two specific names are homonyms of one another the only relevant consideration is whether the generic name and the specific name employed is the same in each case, the name *convexa* de Haan, [1833], as published in the combination *Ocypode (Chasmagnathus) convexa*, is a junior primary homonym of *Ocypode convexus* Quoy & Gaimard, 1825, and is therefore invalid.

5. Clearly the first matter to be investigated was the present status of the name *Ocypode convexus* Quoy & Gaimard, a name which had apparently escaped the sharp eye of the late Miss Mary Rathbun when she drew up the application upon which the Crustacea section of the Ruling given in *Opinion* 85 was based. On this subject I first applied to Dr. Isobel Gordon (*British Museum (Natural History), London*) who, after checking the literature, informed me that the foregoing name did not appear to have been used by any authors since Quoy & Gaimard. I thereupon extended my inquiries by seeking the advice of the following specialists :—(i) Dr. Fenner A. Chace, Jr. (*Smithsonian Institution, Washington, D.C., U.S.A.*); (ii) Dr. John S. Garth (*Allan Hancock Foundation, Los Angeles, California, U.S.A.*); (iii) Dr. L. B. Holthuis (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*); (iv) Dr. M. W. F. Tweedie (*Director, Raffles Museum and Library, Singapore*).

6. The advice received from the foregoing consultants showed a high degree of agreement. Dr. Fenner Chace replied that the name *convexus* Quoy & Gaimard did not appear to have been in use, specialists regarding it as a *nomen dubium*, but that the name *convexa* de Haan was in use for the species concerned and that there was no other name available for that species. Dr. Garth replied that the name *convexus* Quoy & Gaimard had appeared sporadically in the literature, various authors synonymising it with other species such as *Ocypode kuhlii* de Haan, [1835], *Ocypode cordimana* Desmarest, 1825, and *Ocypode pygoides* Ortman, 1894. Dr. Holthuis took the same line as Dr. Chace,



stating that, so far as he knew no attempt had ever been made to replace the name *convexa* de Haan. He added that he himself had little doubt that *convexus* Quoy & Gaimard represented the same species as *pygoides* Ortmann but that no modern author had attempted to substitute Quoy & Gaimard's name for that of Ortmann. Dr. Tweedie, after discussing Ortmann's tentative identification of *convexus* Quoy & Gaimard with his own later *pygoides*, stated that the name *convexus* Quoy & Gaimard was not in use and had disappeared in the literature not as a synonym [of *pygoides*] but as a *nomen dubium*.

7. In view (a) of the unanimity of the Decapod specialists consulted that the name *convexus* Quoy & Gaimard is a *nomen dubium* and (b) of the fact that the later name *convexa* de Haan is in use for the species concerned and that that species possesses no other name, I recommend that the Commission should validate the action taken at the time when the name *Chasmagnathus* de Haan was placed on the *Official List of Generic Names in Zoology* by :—

- (1) using its Plenary Powers to suppress the specific name *convexus* Quoy & Gaimard, 1825, as published in the combination *Ocypode convexus*, for the purposes both of the Law of Priority and of the Law of Homonymy ;
- (2) placing the under-mentioned specific name, as validated under the Plenary Powers under (1) above on the *Official List of Specific Names in Zoology* :—*convexa* de Haan, [1833], as published in the combination *Ocypode (Chasmagnathus) convexa* (specific name of type species of *Chasmagnathus* de Haan, [1833]) ;
- (3) placing on the *Official Index of Rejected and Invalid Specific Names in Zoology* the specific name specified in (1) above as there suppressed under the Plenary Powers.

## II. THE SUBSEQUENT HISTORY OF THE CASE

**2. Registration of the present application :** Upon the receipt of Mr. Hemming's application the question of the validation of the specific name *convexa* de Haan, [1833], as published in the combination *Ocypode (Chasmagnathus) convexa*, was allotted the Registered Number Z.N.(S.) 984.

**3. Publication of the present application :** The present application was sent to the printer on 20th February 1956 and was published on 30th November of the same year in Part 12 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Hemming, 1956, *Bull. Zool. Nomencl.* **11** : 362—364).

**4. Issue of Public Notices :** Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature in the present case was given on 30th November 1956 (a) in Part 12 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Mr. Hemming's application was published), and (b) to the other prescribed serial publications. In addition such Notice was given to four general zoological serial publications.

**5. Support received from four specialists in the group concerned :** As explained in Mr. Hemming's application (paragraphs 5 and 6) the action recommended in the present case was supported by the following specialists in the group concerned :—(a) Dr. Fenner A. Chace, Jr. (*Smithsonian Institution, Washington, D.C., U.S.A.*) ; (b) Dr. John S. Garth (*Allan Hancock Foundation, Los Angeles, California, U.S.A.*) ; (c) Dr. L. B. Holthuis (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) ; (d) Dr. M. W. F. Tweedie (*Director, Raffles Museum and Library, Singapore*).

**6. No Objection Received :** No objection to the action proposed was received from any source.

### III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

**7. Issue of Voting Paper V.P.(57)45 :** On 3rd June 1957 a Voting Paper (V.P.(57)45) was issued in which the Members of

the Commission were invited to vote either for, or against, " the proposal relating to the specific name *convexa* de Haan, [1833], as published in the combination *Ocypode (Chasmagnathus) convexa*, as set out in Points (1) to (3) in paragraph 7 on page 364 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Direction*].

**8. The Prescribed Voting Period :** As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 3rd September 1957.

**9. Particulars of the Voting on Voting Paper V.P.(57)45 :** At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(57)45 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-three (23) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Vokes ; Jaczewski ; Lemche ; Bodenheimer ; Boschma ; Key ; Mayr ; Prantl ; Dymond ; Riley ; Bonnet ; Hankó ; Esaki ; Sylvester-Bradley ; Bradley (J.C.) ; Tortonese ; do Amaral ; Stoll ; Hemming ; Cabrera ; Kühnelt ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned, two (2) :*

Miller<sup>1</sup> ; Mertens.<sup>2</sup>

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<sup>1</sup> After the close of the Prescribed Voting Period a late (negative) vote was received from Commissioner Miller.

<sup>2</sup> After the close of the Prescribed Voting Period a late (affirmative) vote was received from Commissioner Mertens.



**10. Declaration of Result of Vote :** On 4th September 1957, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(57)45, signed a Certificate that the Votes cast were as set out in paragraph 9 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

**11. Preparation of the Ruling given in the present " Direction " :** On 12th September 1957, Mr. Hemming prepared the Ruling given in the present *Direction* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(57)45.

**12. Original References :** The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Direction* :—

*convexus*, *Ocypode*, Quoy & Gaimard, 1825, *Voy. " Uranie "*  
(Zool.) : 525

*convexa*, *Ocypode* (*Chasmagnathus*), de Haan, [1833], in Siebold,  
*Fauna japon.* (Crust.) : 5, 27

**13.** The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Direction* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

14. The present *Direction* shall be known as *Direction Eighty-Six (86)* of the International Commission on Zoological Nomenclature.

DONE in London, this Twelfth day of September, Nineteen Hundred and Fifty-Seven.

*Secretary to the International Commission  
on Zoological Nomenclature*

**FRANCIS HEMMING**